

was forwarded with the office action, no such sheet was found in the papers received from the United States Patent and Trademark Office (USPTO). Applicants respectfully request that this sheet be forwarded with the next USPTO communication.

Claims 1-7 were rejected under 35 U.S.C. 102(e) as allegedly being "anticipated" by Cistulli (U.S. Patent No. 5,946,376). While not acquiescing in this rejection, claims 1, 3 and 5-7 have been amended. As such, Cistulli is discussed with reference to the amended claims.

The subject patent application describes illustrative embodiments of a portable electronic apparatus that allows users to use data other than factory-set data to initialize software of the apparatus. More particularly, the apparatus allows users to input area data, language data for an area, and personal modifications and thereafter have software of the apparatus initialized based on these inputs. The personal modifications include, but are not limited to, alteration of an official language for a particular area (even if there is only one in that area), registration of one or more additional languages, and alteration of a world city.

Cistulli discloses a cellular telephone that provides for translations of a displayed character string from a first language to a second language. As described, the telephone includes user interface functions 55 which include modules for converting between Japanese and English. A flash memory 85 stores a table containing conversion variables 86 that enable the user interface functions 55 to switch between languages. A separate set of variables is associated with each language. An interrupt signal generated in response to a user input toggles between a first and second variable set within the table of

variables 86 to translate between the first language and the second language. As explained in Cistulli:

In this manner, a user unfamiliar with a foreign language may easily translate their cellular phone display between two languages, such as Japanese and English, in a simplified fashion. No attempt to struggle through a menu written in Japanese is necessary, and all the user must do is press a single button to achieve translation of messages on the display. Cistulli 3:18-24.

Claim 1 is directed to a portable electronic apparatus which uses area data, language data corresponding to the area and an additional language to initialize software incorporated in the apparatus. In particular, the apparatus includes a first memory for storing a plurality of sets of initial data for the software to cope with various kinds of "area data and languages;" input means for allowing entry of area data, a language corresponding thereto and an additional language for an area in which the apparatus is used; and a second memory for storing the entered area data, the language corresponding thereto, and the additional language. When the software is initialized, initial data corresponding to the area data, the language corresponding thereto, and the additional language stored in the second memory is selected from the initial data stored in the first memory.

In contrast, Cistulli discloses an apparatus that displays a character string in a second language which corresponds to a character string in a first language at a press of a button or key when a translation of the character string in the first language is required. A further press of the button or key brings back a display of the character string in the first language. In particular, Cistulli does not disclose an apparatus as in claim 1 which deals with area data and a language corresponding thereto, nor does Cistulli disclose a

memory for storing a plurality of sets of initial data for the software to cope with various kinds of area data and languages. Cistulli simply discloses an apparatus capable of converting one language into another (2:37-44).

The portion of Cistulli at 2:63-66 (which is referenced in the office action as showing entry of area and language data) is nothing more than a statement that the user initiates the translation feature of Cistulli by providing an input via a keypad. There is no disclosure (or even suggestion) that this "input" be area data and a language of the area. Indeed, Cistulli expressly contemplates a preferred embodiment in which the input comprises a single press button. As such, Cistulli does not disclose input or storage of area data, a language corresponding thereto and an additional language, much less the concept of using such information to select initial data from a memory.

It is axiomatic that anticipation of a claim under Section 102 can be found only if the prior art reference discloses every element of the claim. *See In re King*, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984). Because Cistulli at least fails to disclose the input, storage or use of area data, a language corresponding thereto and an additional language as claimed, Cistulli cannot anticipate claim 1.

Claims 2-7 depend from claim 1 and likewise cannot be anticipated by Cistulli. In addition, these claims describe other features not shown in Cistulli.

For example, with respect to claim 3, the office action alleges that Cistulli shows that, if incorrect data is found, by the push of a button, the incorrect data will be automatically switched back to the initial language (1:63-65). However, Cistulli simply

discloses that by again pressing the button on the user interface, the character string may be translated back into the first language. Cistulli does not disclose that if incorrect data is found, the initial data edited by the user is automatically deleted and the software of the apparatus is initialized using initial data corresponding to the area data, the language corresponding thereto, and the additional language as initially set.

With respect to claim 4, the office action alleges that Cistulli shows that, by pressing a single key, the user can translate the initial language to another language which thereby inherently deletes the initial data edited by the user. However, the apparatus of Cistulli does not allow the user to edit selected initial data. Therefore, Cistulli does not disclose an apparatus that allows the user to delete the initial data edited by the user.

With respect to claim 6, the apparatus disclosed by Cistulli does not allow the user to edit or delete the initial data. Therefore, Cistulli does not disclose the subject matter of claim 6.

With respect to claim 7, Cistulli does not deal with area data or a language corresponding thereto. Furthermore, the apparatus disclosed by Cistulli does not allow the user to edit or delete initial data. Therefore, Cistulli does not disclose the subject matter of claim 7.

New claims 8-16 have been added for the Examiner's consideration. The subject matter of these new claims is fully supported by the original disclosure and no new matter is added. These new claims are believed to be allowable over Cistulli for reasons similar to those advanced above.

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Serial No.: 09/321,204

Applicants submit that the pending claims are in condition for allowance, and  
early notice to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Michael J. Shea", is written over a horizontal line.

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**IN THE CLAIMS**

Claims 1, 3 and 5-7 have been amended as follows:

1. (Amended) A portable electronic apparatus incorporating software and having a telephoning function, comprising:

a first memory for storing a plurality of sets of initial data for the software to cope with various kinds of area data and languages so that the portable electronic apparatus utilizes the area data of an area in which the portable electronic apparatus is used and displays in a language corresponding to the area data;

input means for allowing entry of area data, a language corresponding thereto, and [a] an additional language used in [of] an area in which the portable electronic apparatus is used; and

a second memory for storing the area data, [and] the language corresponding thereto, and the additional language entered through the input means,

wherein, when the software is initialized, initial data corresponding to the area data, the language corresponding thereto, and the additional language stored in the second memory is selected from the initial data stored in the first memory.

3. (Amended) A portable electronic apparatus as claimed in claim 2, wherein, when the software of the portable electronic apparatus having the telephoning function is initialized by use of the initial data corresponding to the area data, the language corresponding thereto, and the additional language as edited by the user, the

initial data is checked so that, if incorrect data is found therein, the initial data edited by the user is automatically deleted and the software of the portable electronic apparatus having the telephoning function is initialized by use of the initial data corresponding to the area data, the language corresponding thereto, and the additional language as initially set.

5. (Amended) A portable electronic apparatus as claimed in claim 4, wherein, when the software of the portable electronic apparatus having the telephoning function is initialized by use of the initial data corresponding to the area data, the language corresponding thereto, and the additional language as edited by the user, the initial data is checked so that, if incorrect data is found therein, the initial data edited by the user is automatically deleted and the software of the portable electronic apparatus having the telephoning function is initialized by use of the initial data corresponding to the area data, the language corresponding thereto, and the additional language as initially set.

6. (Amended) A portable electronic apparatus as claimed in claim 4, wherein, when the key that is operated to delete the initial data edited by the user is operated, the initial data edited by the user is deleted and the software of the portable electronic apparatus having the telephoning function is initialized by use of the initial data corresponding to the area data, the language corresponding thereto, and the additional language as initially set.

7. (Amended) A portable electronic apparatus as claimed in claim 6, wherein, when the software of the portable electronic apparatus having the telephoning function is initialized by use of the initial data corresponding to the area data, the language corresponding thereto, and the additional language as edited by the user, the initial data is checked so that, if incorrect data is found therein, the initial data edited by the user is automatically deleted and the software of the portable electronic apparatus having the telephoning function is initialized by use of the initial data corresponding to the area data, the language corresponding thereto, and the additional language as initially set.